

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-1675

Zahari Todor Jovcev,

Petitioner,

v.

Immigration and Naturalization
Service; Janet Reno, Attorney General
of the United States,

Respondents.

*
*
*
*
*
*
*
*
*
*

On Petition for Review from
Immigration and Naturalization
Service.

[UNPUBLISHED]

Submitted: January 8, 2001

Filed: January 19, 2001

Before RICHARD S. ARNOLD, FAGG, and BOWMAN, Circuit Judges.

PER CURIAM.

Zahari Todor Jovcev, a citizen of Bulgaria, was granted lawful permanent resident status, but the Government initiated deportation proceedings after his state-court conviction for possession of cocaine. An immigration judge found Jovcev deportable and ineligible for asylum or withholding of deportation based on his alleged past persecution and fear of future persecution due to his anticommunist political opinion and Eastern Orthodox religion. The Board of Immigration Appeals dismissed

Jovcev's appeal, holding Jovcev is ineligible for asylum because he lacks an objective fear of future persecution. Because Jovcev could not establish the burden of proof required for asylum, he did not satisfy the higher standard of eligibility for withholding of deportation. In his petition for review, Jovcev argues the Board's decision is not supported by substantial evidence and he received ineffective assistance of counsel. After reviewing the record, we conclude Jovcev failed to show a reasonable fact finder would be required to find he had a well-founded fear of future persecution in Bulgaria. Even if Jovcev had been persecuted in Bulgaria before coming to the United States, the Government rebutted the presumption of a well-founded fear of future persecution with evidence of changed conditions in the country, including a marked improvement in human rights and the overthrow of the communist dictatorship in 1989. We decline to review Jovcev's ineffective assistance of counsel claim at this time, because he has not yet exhausted administrative remedies. Having carefully considered all of Jovcev's arguments, we deny his petition for review. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.